Hughes 'Dead-or-Alive' Suit Killed

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NEW YORK, Sept. 19 (AP) — A judge today dismissed as "an exercise in futility" a suit calling on billionaire recluse Howard Hughes to prove he is alive or be declared legally dead.

State Supreme Court Justice Thomas J. Hughes (no relation) issued his decision two days after a hearing on the suit brought by two stockholders of Hughes Air West Corp.

An attorney for Hughes' Summa Corp. had argued that the court had no jurisdiction and that there was a plain inference that the plaintiffs were looking for someone to "pay them to go away."

"Whatever be the motives of plaintiffs' counsel in making this application, it is, at best, an exercise in futility, wasting the time of this court and having no foundation whatever for the court to grant the requested relief," Hughes wrote.

The suit was brought by Victor and Ellen Kurtz of Manhattan, in their effort to collect damages from the airline, which Hughes took over in 1969.

Their lawyer said a declaration that Hughes was legally dead would enable the Kurtzes to go into court in Delaware, where Summa and Hughes Airwest Corp. are incorporated, and request the appointment of an administrator who would become the defendant in a damage suit.